

**COLUMBUS BOARD OF ZONING APPEALS
123 WASHINGTON STREET
COLUMBUS, INDIANA**

The Columbus Board of Zoning Appeals met at 6:30 p.m., April 27, 2004 in the Council Chambers, second floor of City Hall, 123 Washington Street, Columbus, Indiana for its monthly meeting.

Members Present: Pat Zeigler; Mary Ferdon; Fred Stadler, (alternate),
Lou Marr, and David Fisher, alternate

Staff Present: Mark Debusk, Code Enforcement Officer; Tim Coriden,
City Attorney; Roger Hunt, Planning Department, Stephanie
Carr, Dept. of Code Enforcement

Ms. Zeigler opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Janet Ketron notary and secretary to Tim Coriden City Attorney, administered the oath to all in attendance that would be speaking.

The meeting was opened for public comment.

**DOCKET NO. C/CU-04-04 SMITHERMAN CONSTRUCTION
CONTINUED FROM MARCH 23, 2004**

Bob Smitherman is requesting a conditional use permit to allow an offsite directional signs for a model home in a residential district.

Bob Smitherman stated his name for the record.

Roger Hunt read the staff recommendation.

Staff recommended that the Board approve this request based on the petitioner's ability to demonstrate that the proposed signs are outside of all right-of-way and intersection visibility triangles, by submitting a site plan for the staff review and approval. A sign located at the intersection of Lowell Road and Princeton Park Drive may not be necessary and should be approved only if the Board is satisfied that it meets the conditional use criteria.

Mr. Smitherman gave out copies of what the signs would look like.

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Conditions if granted

1. A Certified site plan shall be submitted to staff showing the exact locations of the proposed sign, which must be out of the right-of-way and visibility triangles.
2. The petitioner shall provide information (drawings) regarding the overall dimensions of the proposed signs as well as their proposed height.
3. The time limit should be tied to the approval time of the model home.
4. The current illegal signs on lot 100A shall be removed.
5. All other applicable developmental standards shall be met.

Roger Hunt explained that the commercial signs are usually no larger than 32 square feet. David Fisher responded that that would not be large enough for the sign to be seen. Dave suggested that the sign be allowed to have a greater square footage. He stated that he should be allowed to have 100 square feet, 6 x 16. The sign is not next to anyone so it would not be a bother to anyone and would be neatly landscaped.

Meeting was opened to the public.

Karen Plummer asked where the signs would be located.

Meeting was closed to the public.

Dave Fisher made a motion to approve **C/CU-04-04** with the following conditions:

The appropriate landscaping criteria shall be met.

Maximum square footage of the sign shall be 100 square feet.

Fred Stadler seconded the motion.

Mary Ferdon said she was not comfortable about the size of the sign.

Dave Fisher amended his motion for the maximum height to be 8 feet.

Fred Stadler seconded the motion, motion was granted unanimously.

DOCKET NO. C/CU-04-05 SMITHERMAN CONSTRUCTION

Bob Smitherman is requesting to allow the use of a trailer as a temporary sales office for a residential development.

Roger Hunt informed the staff that Mr. Smitherman submitted a letter earlier that day, to withdraw his request for **C/CU-04-05**, due to the development of a better solution to the problem. The next case on the agenda is **C/CU-04-07**, which would offer a better solution for a temporary sales office in a residential development.

Dave Fisher moved to dismiss **C/CU-04-05**

Mary Ferdon seconded the motion. Motion was dismissed unanimously.

DOCKET NO. C/CU-04-07 SMITHERMAN CONSTRUCTION

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Bob Smitherman is requesting a conditional use permit for a conditional use permit to allow a spec home to be used as a temporary sales/information center in a residential zoning district. The property is located at Lot 88, St. James Place, Princeton Park subdivision.

Mr. Smitherman stated his name for the record.

Roger Hunt read the background for the staff.

Bob Smitherman is requesting a conditional use permit to allow a spec home to be used temporarily as a sales information center. At the March meeting, the board voted to grant Mr. Smitherman a conditional use permit to allow a model on lot #184. Under a separate application, Mr. Smitherman had requested a conditional use permit to allow a construction trailer as a temporary sales office. At the meeting, Mr. Smitherman proposed to use a spec home he is currently building as a sales center until the model home is completed. This alternate request is therefore before the board for consideration.

Staff recommends that the Board approve this request, if the Board finds the criteria have been met.

Conditions if granted.

1. Proposed use shall be limited to the business hours and staffing requested 12:00 to 6:00 p.m. with one employee.

Discussion

Mary Ferdon wanted to know about the location of the spec home, and the traffic and parking that it would bring.

Mr. Smitherman felt that with the spec home being on a cul-de-sac that the traffic would be slower.

The meeting was opened to the public.

Karen Carmen spoke against the spec home being in the cul-de-sac.

Chuck Baker supported the location.

Meeting was closed to the public.

Dave Fisher wanted to know how many additional cars he would anticipate at the model home per week.

Mr. Smitherman said he did not think more than 2 cars would be there at one given time. He said on the weekends there might be more.

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Dave Fisher made a motion to approve **C/CU-04-07** including the findings of fact as listed.

It was stipulated that the Model home be used until September 30, 2004 or until it is sold, whichever comes first.

Mary Ferdon seconded the motion, which was granted unanimously.

DOCKET NO. C/CU-040-06 K-MART CORPORATION

K-Mart Corporation is requesting a conditional use to allow temporary sales to exceed the time limit permitted to operate a temporary outdoor-sales area.

Chris Skelton stated his name for the record.

Roger Hunt stated that he has never observed this being a problem.

Conditions:

1. This use shall become effective on May 10, 2004 upon the expiration of the temporary sales ZCC.
2. Expiration of ZCC for proposed use will be September 1, 2004.
3. Removal of pallets immediately when not being used.

Lou Marr made a motion to approve **C/CU-04-06**.

Dave Fisher seconded the motion. It was approved unanimously.

DOCKET NO. C/DS-04-03 LOWELL CARTER

Lowell Carter is requesting a developmental standards variance to construct an accessory building prior to the establishment of a primary use. The property is located on the west side of CR 400 West, North of CR 550 South.

Orwic Johnson stated his name on behalf of Lowell Carter.

Roger Hunt read the staff report.

Lowell Carter is requesting a developmental standards variance to construct an accessory building prior to the establishment of a primary use. This request is to construct an out building that will house agricultural implements and livestock (horses) without a primary structure on site. Mr. and Mrs. Hatton own the property and reside at 11300 South CR 100 West. No information has been provided to indicate when or if a primary use is intended to be constructed.

The lot is approximately 4 acres. The proposed structure will be set back

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from the road approximately 320' and from each property line greater than 30'. This exceeds the minimum required setback distance. The structure being proposed will be 50'x 72' (3,600 sq. ft). A 12' wide stone drive will be installed to provide access to the structure. The property is located on the West Side of CR 400 West North of CR 550 South.

Roger Hunt read the provisional findings of fact.

Staff recommended denial of the request, if the Board does not find the criteria have been met.

Orwic Johnson stated his case on behalf of Lowell Carter.

Lowell Carter lives within ½ mile of the property and farms on leased ground. He is looking for a place to store his agriculture equipment. He also would like to have a few horses on the property. He does feels that it would be in the best interest to store the equipment in the barn because of vandalism, safety and general welfare.

He said that the reason for setting the barn back 320 ft. off the road is to permit someone in the future to construct a house there, and would be in line with the other houses along that road.

Mr. Carter already has a house, so the alternative would be for him to build a house and then rent it out.

Meeting was opened to the public.

No one present chose to speak.

Meeting was closed to the public.

Discussion:

Dave Fisher asked why he was not putting the barn up on his own property.

Mr. Johnson replied that he did not have a good location for it.

Pat Zeigler wanted to know why petitioner was not here, and Mr. Johnson said that he was working.

David Fisher stated that since Mr. Carter approached the Hattons, verses Hatttons approaching Mr. Carter, that he would be creating an unnecessary situation and he would encourage him to search for further options.

Dave Fisher made a motion to deny **C/DS-04-03** based on the findings of facts as presented.

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Lou Marr seconded the motion, which was denied unanimously.

Findings of Fact

Findings of facts were continued to the next meeting, due to lack of a majority of those present at earlier meetings.

Discussion items

Roger Hunt told the staff that Gary Neinaber will be no longer be on the Board or Planning Commission since he has moved and is no longer in the 2-mile jurisdiction. Mr. Hunt said that they would be replacing him at the next Planning Commission meeting.

APPROVAL OF MINUTES

Mary Ferdon made a motion to approve the minutes with corrections.

Pat Zeigler seconded the motion

Meeting was adjourned at 7:55 p.m.

Patricia Zeigler, Chair

Karen Dugan, Secretary